



Attorney General Jon Bruning

---

# News Release

---

10: 30 a.m.  
January 7, 2013

Contact: Shannon Kingery  
402.471.2067  
Shannon.kingery@nebraska.gov

**\*\*EMBARGOED UNTIL 10:30 A.M. TUESDAY, JAN. 7\*\***

## **Attorney General Bruning Announces 12<sup>th</sup> Annual Legislative Package**

LINCOLN - Attorney General Jon Bruning today unveiled his 2014 legislative package that provides more protections for Nebraska consumers and victims of crime. This is the 12<sup>th</sup> legislative package announced by Bruning's office. In all, 36 of Bruning's legislative initiatives have been signed into law since 2003.

The first bill protects Nebraska consumers and small businesses from patent troll harassment. The second bill creates offenses for knowingly soliciting child pornography. The third bill clearly defines harassment and stalking and protects victims of sexual assault by clarifying rules of evidence regarding a perpetrator's out-of-state offenses. The fourth bill updates Nebraska's ban on the synthetic drug known as K2.

Attorney General Bruning was joined at today's press conference by State Senators Heath Mello, Burke Harr and Danielle Conrad. Also in attendance were Steve and Kelly Tucker of Greenwood, parents of 18-year-old Billy Tucker who died after using K2 in October 2013.

### ***Nebraska Patent Abuse Prevention Act***

This bill protects Nebraskans from patent assertion entities acting in bad faith, otherwise known as patent trolls. Patent trolls acquire patents solely to collect fees or demand settlements from consumers. Currently, there is no law to specifically address bad faith assertions of patent infringement.

Senator Heath Mello of Omaha is sponsoring the bill.

"Patent trolls often make unfounded allegations to demand money by threatening litigation against unsuspecting Nebraskans," said Senator Mello. "This bill will be a great addition in the fight to protect Nebraska businesses and consumers from patent trolls."

The bill defines unlawful patent assertion activity, including demand letters. It also provides an enforcement mechanism for the unlawful act under the Uniform Deceptive Trade Practices Act.

“Utilizing our patent system to squeeze money from Nebraska consumers is a scam,” said Bruning. “This bill adds to our continued efforts to protect consumers from the baseless harassment of patent trolls.”

Additionally, the bill adds a layer of accountability by requiring any person sending 25 or more patent assertion letters within a 365-day period to notify the Attorney General of each name and address to which a demand letter was sent.

Currently, only Vermont has a similar statute governing patent trolls.

### ***Nebraska Criminal Code: Child Pornography***

This bill makes it illegal to solicit child pornography in Nebraska. Currently, Nebraska law only makes the possession of child pornography unlawful. The bill also creates a procedural standard for forfeiture and destruction of any property used in the crime, such as computers or data storage devices.

“In the past three years, our office has investigated more than 100 cases of computer-based crimes with child victims,” said Bruning. “This bill strengthens our effort to protect Nebraska kids from online victimization.”

Senator Burke Harr of Omaha is sponsoring the bill.

“The cycle of revictimization must be stopped,” said Senator Harr. “I’m proud to sponsor this critical piece of legislation.”

The bill also expands the definition of child abuse to include knowingly or intentionally placing a child in a situation to view a live sex act. Currently, similar conduct is prohibited if it occurs via electronic communication device but is not prohibited if it occurs in person.

Federal law and that of 13 other states prohibits the solicitation of child pornography and 14 states penalize knowingly receiving child pornography. Forfeiture actions involving child pornography are allowed in 15 states. In 11 states, it is similarly unlawful to knowingly or intentionally place a child in a situation to view a live sex act.

### ***Nebraska Criminal Code: Sexual Assault and Stalking***

This bill makes a clear distinction between harassment and stalking and provides a penalty for each. Additionally, the measure includes an enhancement provision for prior violations. The bill also specifies that when an electronic communication device is utilized to violate the statute, the offense is deemed to have been committed either where the communication was originated or where it was received.

Current law treats harassment and stalking as the same offense.

Senator Danielle Conrad of Lincoln is sponsoring the bill.

"This legislation makes improvements in our laws to help victims of sexual assault and stalking," said Senator Conrad. "We must work to prevent and eliminate these brutal crimes. Yet, when they do occur we must improve our legal framework so that justice can prevail."

The legislation clarifies the definition of prior sexual assault, which allows the evidentiary use of out-of-state offenses in subsequent proceedings. The Federal Rules of Evidence and at least five states allow for the use of similar prior out-of-state sexual offenses for evidentiary purposes.

Currently, use of prior sexual assault offenses as evidence in subsequent proceedings is defined narrowly to include Nebraska offenses.

### ***Nebraska Criminal Code: K2***

This bill updates Nebraska's ban on the drug known as K2. The current ban was created by the Attorney General's Office 2011 legislative package bill, LB 19, and last updated in 2013 by LB 298, both sponsored by Sen. Beau McCoy.

"Because modified formulas of K2 are still sold in Nebraska, I lost my best friend, my beloved son Billy," said Steve Tucker. "We don't want any other parents to go through this kind of loss."

K2 is made from synthetic cannabinoids that are combined or compounded to make the street drug. K2 products consist of plant material that has been coated (often sprayed) with one or more of the synthetic cannabinoid mixtures.

"K2 is killing Nebraskans," said Bruning. "We must do what we can to combat the drug manufacturers' attempts to get these drugs onto Nebraska streets and into the hands of our kids."

State Senator Ken Schilz of Ogallala is sponsoring the bill.

"As states have moved to ban K2, ways have been found to skirt the laws by changing the formulas," said Senator Shilz. "This bill makes Nebraska law more comprehensive and addresses the latest versions of the deadly drug."

The Tuckers have launched a website to increase awareness of the dangers of K2 at [www.facebook.com/NEK2awareness.com](http://www.facebook.com/NEK2awareness.com).

###